

**WORKFORCE HOUSING AND LABOR COMMITTEE**  
**OF THE**  
**SUFFOLK COUNTY LEGISLATURE**  
**Minutes**

A regular meeting of the Workforce Housing and Labor Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Hauppauge, New York on January 11, 2006.

**MEMBERS PRESENT:**

Leg. Kate M. Browning, Chairperson  
Leg. Jack Eddington, Vice•Chairman (excused absence)  
Leg. Vivian Vilorio•Fisher  
Leg. Thomas F. Barraga (excused absence)  
Leg. Lynne C. Nowick

**ALSO IN ATTENDANCE:**

Presiding Officer William Lindsay  
George Nolan, Counsel to the Legislature  
Ian Barry, Assistant Counsel to the Legislature  
Renee Ortiz, Chief Deputy Clerk

Kevin Duffy, Budget Review Office  
Joe Muncey, BRO  
Lance Reinheimer, BRO  
Marian Zucker, Director of Affordable Housing  
Jeffrey Tempera, Director of Labor Relations  
Ben Zwirn, Assistant Deputy County Executive  
Barbara LoMoriello, Presiding Officer staff  
Ed Hogan, Aide to Leg. Nowick  
Frank Tassone, Aide to Leg. Losquadro  
Glenn Pichardo, Aide to Leg. Browning  
Ginny Suhr, Aide to Leg. Vilorio•Fisher

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**MINUTES TRANSCRIBED BY:**

Alison Mahoney, Court Stenographer

**(THE COMMITTEE WAS CALLED TO ORDER AT 2:46 PM)**

**CHAIRPERSON BROWNING:**

I'd like to call to order the Labor & Workforce Committee. Please stand for the Pledge of Allegiance led by Legislator Vilorio•Fisher.

***(SALUTATION)***

Legislator Eddington has been excused today.

We have presentations; Marian Zucker, Director of Affordable Housing.

**MS. ZUCKER:**

Good afternoon. I saw some of you this morning, nice to be back. This is going to be a more housing•focused presentation and two of the three of you know pretty much what it is.

**LEG. VILORIA • FISHER:**

Marian, it looks like our steno is really struggling to hear you.

**CHAIRPERSON BROWNING:**

Is it on?

**MS. KRAUS:**

Is your mike on?

**MS. ZUCKER:**

It's always a mystery to me; I think it is.

**LEG. VILORIA • FISHER:**

I think it's on. I just think you have to get a little closer, Marian.

**MR. REINHEIMER:**

Now it's on.

**MS. ZUCKER:**

Is that better?

**MS. KRAUS:**

Thank you.

**MS. ZUCKER:**

All right. Good afternoon. I'll actually start from the beginning. For those of you who don't know me, my name is Marian Zucker, I'm the Director of Affordable Housing. I have held this position with Suffolk County since July of 2001. It was a newly created position, I think recognizing the importance of creating and sustaining an affordable housing stock in Suffolk County to the County's overall health, especially it's economic health.

Since •• well, I won't give you the history of what we've been working on since then. What I'm having Jimmy pass out to you is some housing facts on Suffolk County, just to give you some background on what the issues are facing Long Island, and Suffolk County particular. It starts with a look at the

median housing prices. And you can see compared to both New York State and the country, Suffolk County and particularly the east end towns are hard hit with very high housing prices. Long Island is losing the age group 20 to 34 four times faster than the national demographic and 56% of these people who are staying, who remain here on Long Island are living with their parents or other adults, certainly creating a need for many, many solutions to this issue.

What I've put in the sheet as well is some information on some of the fears that people have about affordable housing and looking to try to dispel some of those myths; one of which is that the building of affordable housing will hurt the property values of the neighboring community. And the forth bullet point looks at three developments that were built in the early 1990's and compares the changes in the property values of the census tract where those communities were built to the County as a whole. And as you can see, in each case the property values in those communities went up higher than did the County as a whole.

One of the other fears that people have when we go to site an affordable housing community is that it will affect the school taxes. And school budgets are a very big issue on Long Island. They're the primary determinant of our property taxes. We did a study. I would say it's not a scientific study, it's more anecdotal, but I hope to supplement this with additional information during the year. We looked at three affordable housing communities that were built and Park Row in Central Islip generated one student per 20 homes. There's this fear that if you build an affordable house you're going to be generating many, many school children into the school district; our experience and national experience says that that wasn't so. Plymouth Village, also in Central Islip, was one student per six homes and Victorian Gardens in Medford was one student per ten homes.

The last bullet point deals with the taxes generated from that community versus the number of school children that were generated. And in both cases that we looked at, the property taxes generated from the community exceeded that cost to the school district.

I share this information with you really in response to the Ad Hoc Housing

Committee that I worked with last year with Legislator Fisher. And one of the issues that came up repeatedly was that the County's roll in the creation of affordable housing is somewhat limited because we don't control local zoning. And so I was asked repeatedly what is it that we can do. So if you would bear with me from time to time, what I'd like to do is to share facts with you because I think that the better educated you are, the more that you can help bring this information inter•community and hopefully help us site more and more affordable housing communities.

I also want to spend a little time this afternoon just talking in general about the sorts of things, besides just information, that I hope to share with you over the upcoming year, the sorts of legislation that will be coming in front of you that I'll be involved with. It really will fall into one of two categories. One is the transfer of tax surplus properties to towns and villages for affordable housing purposes. That gets done by the County through a statute in the State Constitution, so named 72•H because that's the subchapter that it falls in in the State Constitution. And we have historically, since I've joined the County and before that, been transferring a number of parcels to towns and villages for affordable housing purposes. They will typically then transfer those properties to non•profit organizations who will build or rehab the houses and either sell them or rent them to people of low and moderate incomes. We have such a resolution on the agenda today. Over the last four years we have transferred over 200 such parcels to towns and communities that will vary depending on the number of tax deeds that we take through tax foreclosure. Last year we transferred 34 parcels.

The other Legislative items you'll see from me this year has to do with the Workforce Housing Program. That's governed by Article 36 of the County Administrative Code, as is the 72•H transfers as well. Under the Workforce Housing Program we have two funding initiatives funded by capital bonds; a Land Acquisition Program. We have funded two developments to date under that program; Millenium Hills in Melville and Sunnybrook in the Bay Shore community.

We have two pieces of legislation that were passed last year for two developments, Patchogue Village and a development in the Greenport West Hamlet of Southold. Those were planning steps resolutions. I would expect,

given the work that both teams have been doing on those developments, to be back to this body with final resolutions on those two developments before the end of the year. I would also expect to be bringing forth additional planning steps resolution, hopefully even in the next cycle, for additional land acquisition initiatives.

We're also working on an infrastructure funding initiative which would provide funds to workforce housing developments for the funding of roads, streets, lighting, sewage treatment facilities. We have yet to tap into that money. We have a major information session scheduled for the end of this month and are expecting somewhere in the neighborhood of 40 to 50 developers and non-profit developers to show up and provide to them the information about how that program will work. Hopefully we'll also be back to you with legislation in that regard.

Two other little advertisements. You'll all be receiving a copy of the Workforce Housing Commission Report in the next day or two. Vivian, I hope you have your copy. The Workforce Housing Commission was put in place of February of 2003. They •• over the 23, past 23 months made I think great strides in addressing and identifying possible tangible resources that we can bring to the forefront to help create workforce housing. And they have several recommendations that I expect we'll be moving forward on. And many of these, both the achievements and the recommendations, will touch the Legislature as they move to completion.

The other thing, just so that you know, that I'm working on, as Legislator Browning knows, is the Requests For Expressions of Interest for Yaphank. I just attended a press conference where the County Exec announced this. This document is available on the Planning Department's website. The County has identified roughly 250 acres at the Yaphank site that may be available for future development. Of course that will need to come to the Legislature, not necessarily through me but probably through the Planning Department. But we're also hoping that we're able to site a significant number of workforce homes in this location.

That's it for my prepared remarks. Does anyone have any questions?

**CHAIRPERSON BROWNING:**

Okay, Legislator Nowick.

**LEG. NOWICK:**

Thank you again for your presentation.

**MS. ZUCKER:**

You're welcome.

**LEG. NOWICK:**

Just a question to you. The parcels that are transferred from the County to the towns, do you have a list of where •• what towns?

**MS. ZUCKER:**

The history of what's •• where it's gone?

**LEG. NOWICK:**

Well, what did you have, 34 this year did you say?

**MS. ZUCKER:**

Yes.

**LEG. NOWICK:**

So would you have a list of towns within the last five years that the County has transferred? These are the ••

**MS. ZUCKER:**

The tax default.

**LEG. NOWICK:**

The tax.

**MS. ZUCKER:**

Yes, I do have such a list. I would say in the last year •• and it's really the list that •• the list of the parcels is really dependent on where we take the parcels in from. So last year we transferred to seven of the ten towns because there were no parcels in Smithtown, Shelter Island or Southold, we



were able to transfer parcels to every other town in the County.

**LEG. NOWICK:**

Now, when you transfer parcels, does the town then have a right to say to you •• and I think I know the answer •• but does the town then have the right to you say to you, "No, this doesn't comply with our zoning," or is that superseded?

**MS. ZUCKER:**

Zoning is not superseded. The process is really that I will reach out and to my housing equivalent at the town level and say, "The County has surplus property, are you interested in it?" I know in a number of cases it will take some zoning work once we transfer it to them, so they will reach out and work with their planning department and their building department.

**LEG. NOWICK:**

So the County •• so you call the town and say, "The County has surplus property, is the town interested in it? It's property that we want to use for workforce housing."

**MS. ZUCKER:**

Affordable, exactly.

**LEG. NOWICK:**

And so then they have the option at that time to ••

**MS. ZUCKER:**

Say yes or no.

**LEG. NOWICK:**

•• say yes or no. Okay.

**MS. ZUCKER:**

Right. And once they say yes then, although it's not a written requirement, we have a conversation about how the parcel will be used. So by the time I show up to this committee, as I will today with the Babylon potential transfer, I will have some idea of how the town intends to use it. And the



deed ••

**LEG. NOWICK:**

So is it usually a house or something like that?

**MS. ZUCKER:**

Yes, but it could be several houses depending on the size of the parcel.

**LEG. NOWICK:**

Depending on if the tax bill wasn't paid on a certain parcel; is that how it works?

**MS. ZUCKER:**

Yes. And it takes the •• I'm not •• I hate to talk about the real estate process, but it takes three years before the County will take it •• three years of non•payment of taxes before the County will take a tax deed. And then there's a number of years after that where the prior owner still has the right to redeem the property.

**LEG. NOWICK:**

I know it's a last ditch effort to get ••

**MS. ZUCKER:**

Yes.

**LEG. NOWICK:**

Now •• and I lost my train of thought. Does the County then say to the town, "We have this piece," the town says, "Yes, we will take it for affordable housing." Does the County then say, "Well, we would like to put a certain amount of families in the home." Do you get into that at all or is that ••

**MS. ZUCKER:**

Not necessarily ••

**LEG. NOWICK:**

•• at the discretion of the town then?

**MS. ZUCKER:**

•• the number of families because, there again, zoning would control. But we do have requirements in our deed, covenants and restrictions that require that, first of all, in innocent and restrictions that require that, first all that, that the property be constructed within three years of the point that it gets transferred to the town. And there are some ability to extend that deadline. And we have used those extensions because sometimes a road needs to be constructed or other infrastructure needs to be brought to the site. And obtaining the funding of that can be a very lengthy process. But that aside, we have income restrictions on who can live in the property. We have purchase price restrictions, what the house could be sold for and rental restrictions if whatever is constructed is going to be rented out.

**LEG. NOWICK:**

Can the town say to you, "Well, yes, we'll do all of that" •• and then maybe this is what they do anyway, does the town then say or can they say, "But we would like to take people from our town only to live in that area". Or do they go out of town to fill those units?

**MS. ZUCKER:**

Usually there's such a demand in any particular location that towns will provide a priority to their local residents.

**LEG. NOWICK:**

And they can do that?

**MS. ZUCKER:**

They can do that. We have not •• we have not discouraged any community from providing a priority for their local residents.

**LEG. NOWICK:**

Okay, thank you. And I would like to see the list, I'm sure everybody would like to see that.

**MS. ZUCKER:**

Okay, I can bring that next time.

**CHAIRPERSON BROWNING:**

Any other questions? No? Okay, thank you.

**MS. ZUCKER:**

Thank you, Marian.

**CHAIRPERSON BROWNING:**

Is there anyone else who would like to come forward with the committee?  
Did you say yes?

**P.O. LINDSAY:**

Yes. Could I be recognized?

**CHAIRPERSON BROWNING:**

Sure, Legislator Lindsay; Presiding Officer Lindsay.

**P.O. LINDSAY:**

Are we going to get a report from the Labor Department?

**CHAIRPERSON BROWNING:**

No, not today.

**P.O. LINDSAY:**

Not today.

**CHAIRPERSON BROWNING:**

No, he wasn't available.

**P.O. LINDSAY:**

I mean, this is the first time we've had a committee on labor in the history of this institution. And the Labor Commissioner can't come and talk to the Labor Committee?

**CHAIRPERSON BROWNING:**

No, I believe •• no, he wasn't available today.

**P.O. LINDSAY:**

I find that disturbing.

**CHAIRPERSON BROWNING:**

Okay? We'll move along with the resolutions.

### **INTRODUCTORY RESOLUTIONS**

No cards. ***Resolution 1038•06 • Authorizing the sale of County •owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Babylon for affordable housing purposes (County Executive).*** Do I have a motion?

**LEG. VILORIA•FISHER:**

Motion to approve.

**LEG. NOWICK:**

Second.

**CHAIRPERSON BROWNING:**

Okay, the motion is Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

Oh, do we have a quorum? Okay, good.

**CHAIRPERSON BROWNING:**

Oh, do we have? Yes, okay. And seconded by Legislator Nowick.

**P.O. LINDSAY:**

Would it be appropriate to put it on the consent calendar?

**LEG. NOWICK:**

I don't think so.

**LEG. VILORIA•FISHER:**

No, we usually have these on the regular calendar just so the Legislator from that area could see it on the calendar. Call the vote; all in favor?

**CHAIRPERSON BROWNING:**

All in favor? Any opposed? No abstentions? ***1038 is approved (VOTE: 4 •0•0•2. Not Present: Legislators Eddington & Barraga)***

Okay, the next one. ***1057•06 • Reforming County sick leave policy for exempt employees in any County department, office or agency for cost containment on prospective basis (County Executive).***

**LEG. VILORIA•FISHER:**

I'm going to make a motion to approve for the purposes of discussion.

**P.O. LINDSAY:**

I'll second it for the purposes of discussion.

**CHAIRPERSON BROWNING:**

You'll second?

**LEG. VILORIA•FISHER:**

Okay. I do have some questions.

**CHAIRPERSON BROWNING:**

Okay. So Legislator Viloría•Fisher has some questions.

**LEG. VILORIA•FISHER:**

Yes, I have questions about some of the WHEREAS clauses in this and that very long 1988 formula RESOLVED. In the WHEREAS, I'm looking at the fourth WHEREAS where it says, "The fiscal impact of this reform, if adopted retroactively". Precisely retroactively to what and for whom?

**MR. TEMPERA:**

I can't answer why that's in there since that's not happening; it's not ••

**LEG. VILORIA•FISHER:**

That's what our understanding was, that it wasn't retroactive. That it was

prospective.

**MR. TEMPERA:**

It is. I can't answer why there's a WHEREAS that says it's retroactive.

**MR. ZWIRN:**

The purpose of this bill was to go on a sick leave basis going forward••

**LEG. VILORIA•FISHER:**

Right.

**MR. ZWIRN:**

•• for exempt employees only, but not •• only when this bill, if it were adopted, would it go one for four as opposed to how it's been historically which has been one for two on sick leave.

**LEG. VILORIA•FISHER:**

But that's only proactive, prospectively.

**MR. ZWIRN:**

That's correct.

**LEG. VILORIA•FISHER:**

So I'm concerned about this WHEREAS which uses the term retroactively. And maybe we should table this to have some changes made in this? You know, I'm not sure how the other members of the committee feel about that.

**MR. TEMPERA:**

Well, I don't know that a WHEREAS has any standing and I would defer to ••

**LEG. VILORIA•FISHER:**

Okay. Well, maybe we can go to the first RESOLVED.

**MR. TEMPERA:**

Okay.

**CHAIRMAN BROWNING:**

Can we recognize that this is Jeff Tempera and Ben Zwirn.

**MR. TEMPERA:**

I'm sorry. Jeff Tempera, I am the Director of Labor Relations for Suffolk County. I will be very happy to walk you through the different RESOLVED clauses and provisions of this resolution. It's not an easy subject.

**LEG. NOWICK:**

That would be appreciated at this time.

**MR. TEMPERA:**

It encompasses three resolutions that have multiple aspects within the resolution. The first RESOLVED clause deals with Resolution 659 of 1988. And it deals with exempt employees that were covered pre 1/1/1989. Those individuals had their time frozen, computed as to a dollar amount and their time is payable at a one•for•four rate; that does not change.

**P.O. LINDSAY:**

Can I interrupt? Would you ••

**LEG. VILORIA•FISHER:**

Sure, I yield.

**P.O. LINDSAY:**

Why don't you just say that? Why don't they just say that whatever benefits are accrued are frozen and moving forward? Because to read this properly, we need Resolution 659.

**MR. TEMPERA:**

The reason •• and again, I could explain that. I think we've tried that in the past. And I know this is a new Legislative body. There was mistrust when I came before this Legislature and tried to explain a management benefits resolution last July that we were changing benefits because we didn't spell out that things weren't changing and what those benefits were. So when this resolution was drafted •• so there was no ambiguity, everything was spelled out in detail to show that nothing changed. And I can represent to



you on the record today, and I will walk you through the resolution, what was in effect with Resolution 659 of 1988, is still in effect, that is resolution •• that is the first RESOLVED clause and the second RESOLVED clause.

The third RESOLVED clause is Resolution 655 of 2001. That does not change also. The two clauses that deal on a prospective basis, the fourth and fifth RESOLVED clause talk about the new policies.

**LEG. VILORIA • FISHER:**

Madam Chair, if I could just reclaim my time to go back to my question in the WHEREAS.

**CHAIRPERSON BROWNING:**

Go ahead.

**LEG. VILORIA • FISHER:**

If that particular parenthetical statement in that fourth WHEREAS, if adopted retroactively, could be stricken. If it has no bearing on the resolution, I think for the sake of clarity, since it doesn't refer to any retroactive impact of this resolution, then why have •• why have that phrase there? Just that parenthetical phrase, if adopted retroactively.

**MR. ZWIRN:**

I think it's to demonstrate what the enormous savings could be going ••

**LEG. VILORIA • FISHER:**

But you're not doing it retroactively.

**MR. ZWIRN:**

That's true, but we don't know what the exact number will be prospectively. But we do know we can calculate it what it would have been retroactively, so that's why that number was used.

**LEG. VILORIA • FISHER:**

Yeah, but Ben, that's •• I'm sorry, that's not logical in this grammatical structure that you have here which is you're saying could •• if adopted retroactively; okay, so you have an if then clause. If you have an if/then

clause, that means that you're executing the if in order to have the then.

**MR. ZWIRN:**

Teachers; what are you going to do with them?

**MR. TEMPERA:**

But if you read the next WHEREAS clause, it is very clear in the next WHEREAS clause that it is being changed on a prospective basis.

**LEG. VILORIA•FISHER:**

Then why have that retroactive ••

**CHAIRMAN BROWNING:**

In there at all?

**LEG. NOWICK:**

Take it out.

**MR. TEMPERA:**

It think it's illustrative of how much money, I think that's really what Ben was saying.

**LEG. VILORIA•FISHER:**

I think it would be just as illustrative if you were to say the fiscal impact of this reform could result in a savings of as much as \$1,400,000, without having that retroactively in it. I just think that that muddies the waters. It's going to lead to a lot of, I believe, very protracted debate on Tuesday. If this hits the floor, with the term retroactively in place, I think you're going to have problems.

**MR. ZWIRN:**

I understand, I understand what you're saying, but that •• but I think my explanation is really why it was put in there and for no other reason that just because we couldn't identify specifically what the savings going forward would be.

**LEG. VILORIA • FISHER:**

But if you take it out you could still say that. I just read it without that clause and it still said that.

**MR. ZWIRN:**

I'm not arguing with you. I understand what you're saying.

**LEG. VILORIA • FISHER:**

But I think you're looking for trouble.

**MR. ZWIRN:**

Well, it wouldn't be the first time; maybe not this early in the season.

**CHAIRMAN BROWNING:**

Okay. Legislator Nowick, you have a question.

**LEG. NOWICK:**

Yeah, I just wanted to ask a question. It says you have a savings, there's a possible savings of \$1.4 million? Over how many •• over what period of time?

**MR. TEMPERA:**

There's no savings there.

**LEG. NOWICK:**

I mean, is that per year, per month, per day?

**MR. TEMPERA:**

That's not going to happen, that \$1.4 million.

**LEG. NOWICK:**

Wait, wait, wait, the resolution says "Could result in a savings"; that's not going to happen?

**MR. TEMPERA:**

If adopted retroactively, which is not occurring.

**LEG. NOWICK:**

Okay, so that's out. So ••

**P.O. LINDSAY:**

Where are you?

**LEG. VILORIA•FISHER:**

She's in the same WHEREAS.

**LEG. NOWICK:**

I'm at the WHEREAS where ••

**CHAIRMAN BROWNING:**

The fourth paragraph.

**P.O. LINDSAY:**

It says four million, not one.

**LEG. VILORIA•FISHER:**

No, it was ••

**LEG. NOWICK:**

No, 1.4 million.

**MR. TEMPERA:**

I thought she said 1.4 million.

**LEG. VILORIA•FISHER:**

It's 1.4.

**LEG. NOWICK:**

"Could result in a savings of as much as" •• am I on the right page there?

**P.O. LINDSAY:**

Mine says 4 million.

**CHAIRPERSON BROWNING:**

Mine's different.

**LEG. VILORIA • FISHER:**

Mine says 1.4.

**LEG. NOWICK:**

Mine says 1.4.

**CHAIRPERSON BROWNING:**

Can we get a correction on these? They have a different copy.

**P.O. LINDSAY:**

In the WHEREAS?

**LEG. NOWICK:**

The WHEREAS on the first page of the resolution.

**CHAIRPERSON BROWNING:**

Okay.

**LEG. VILORIA • FISHER:**

We have two different versions.

**CHAIRPERSON BROWNING:**

We have two different versions.

**MS. ORTIZ:**

Do you have the version that I just gave you?

**LEG. VILORIA • FISHER:**

Oh, we have a new version; sorry.

**LEG. NOWICK:**

Oh, wait. Where? No, I don't have it.

**MR. NOLAN:**

The amended version? I have 1.4 million.

**CHAIRPERSON BROWNING:**

Okay, he has a different one, too.

**LEG. VILORIA • FISHER:**

Four point two; ah, the plot thickens.

**LEG. NOWICK:**

Okay, so then this is my question. Let's reword the question.

**P.O. LINDSAY:**

Are you guys the authors or the explainers?

**MR. TEMPERA:**

Of that clause of the resolution? I had nothing to do with that clause.

**LEG. NOWICK:**

Okay, so go back to could result in a savings of as much as four million two.

**MR. TEMPERA:**

Four million? No, we're at 1.4.

**P.O. LINDSAY:**

Mine says 4.2 million.

**LEG. NOWICK:**

What is the correct resolution? Counsel, what the correct resolution; are we saving four million or one million?

**MR. NOLAN:**

Well, neither resolution ••

**LEG. NOWICK:**

Because that's quite a difference.

**MR. NOLAN:**

The one that came over January 9th says ••

**P.O. LINDSAY:**

The mike, the mike.

**MR. NOLAN:**

The one I have, it has a note from Ben Zwirn, January 9th, it says \$4.2 million. However, it doesn't say "amended as of" to indicate that this is an amended copy, but I'm assuming the 4.2 million is the latest version.

**LEG. NOWICK:**

Does the representative for the County Executive know?

**MR. ZWIRN:**

Well, the last one that we sent over, the number is •• it depends on how far back you take it. Jimmy, would you ask Allen Kovesdy to come over, because these were his numbers.

I think, you know, this RESOLVED clause has caused more trouble than ••

**MR. TEMPERA:**

The WHEREAS; it's the WHEREAS. Not the RESOLVED clause.

**MR. ZWIRN:**

The WHEREAS clause has caused more confusion than it shed light on anything. And I think it was just to demonstrate that there could be substantial savings, whether it was a million four, whatever the number is, it was a substantial number.

**LEG. NOWICK:**

Okay. So then can I just ask the question. If this is used to demonstrate the savings, let's assume that it is four million two; over what period of time would the County save four million and two? Do we have •• it's not very clear.

**MR. TEMPERA:**

Well, again, I think I can explain what they're trying to show there. If it was •• if the current ••



**LEG. NOWICK:**

Is that present value?

**MR. TEMPERA:**

If the current accruals were changed from a one•for•two rate to a one•for•four rate, I'm guessing, and we'll get the budget person to explain it, that the current value of the accruals you could save \$4 million. That's purely a guess. But again, I will state for the record that is not occurring. We are not looking to change current accruals and that is •• I can illustrate it three and four different times within the RESOLVED clauses where they are not changing.

**LEG. NOWICK:**

Okay, then let me ask another question. I understand that part of it and I see this resolution certainly, in my opinion, has to be tabled, but •• because there does seem to be some question. But let me ask you another question. The exempt employees that have already been working in the position prior to 1988, with the understanding that they were accruing one for every two, is that how it was •• how it is now, the sick days, or what is it?

**MR. TEMPERA:**

Time is frozen. Everyone, as of Resolution 655 of 2001, was able to accrue sick leave and be paid at a one•for•two rate under Resolution 655 of '01; that doesn't change. That time is going to be frozen.

**LEG. NOWICK:**

Can those exempt employees •• right now, the way it is now before it's changed, can the exempt employees still accrue sick leave one•for•two now, the way it is now?

**MR. ZWIRN:**

Yes.

**LEG. NOWICK:**

Yes? I got a yes.

**MR. ZWIRN:**

It is one•for•two now.

**MR. TEMPERA:**

It is one•for•two now if this resolution is passed.

**LEG. NOWICK:**

Okay, never mind this resolution, that's what it is now.

**MR. TEMPERA:**

Correct.

**LEG. NOWICK:**

My question is those employees that have been here that long, are their benefits going to be changed or are they going to grandfathered in?

**MR. TEMPERA:**

Their future accruals will be paid at a one•for•four rate, it will not affect any current accruals.

**LEG. NOWICK:**

But you will be •• this will change ••

**MR. ZWIRN:**

Going forward.

**LEG. NOWICK:**

•• going forward ••

**MR. TEMPERA:**

Going forward, on a prospective basis.

**LEG. NOWICK:**

•• for people that have been there, even though they have been employed,

they were in place, they're not going to be grandfathered in.

**MR. TEMPERA:**

If you want to use myself as an example, because I'm somebody who's been here in an exempt title since pre•1989. I have accruals on the books that are frozen, computed as to a dollar value as of December 31st, 1988, and they are payable at a one•for•four rate. I have accruals I've earned since that time, pursuant to Resolution 655 of 2001. Those accruals are payable at a one•for•two rate. They will be frozen. And all future accruals that I will earn after the passage of this resolution will be payable at a one•for•four rate.

**LEG. NOWICK:**

Oh, so all of these people that have been hired for so long will be giving •• who have dedicated their time and years, they're going to take that away from them.

**MR. TEMPERA:**

We're not taking anything away from them because ••

**LEG. NOWICK:**

Not going to give it to them.

**MR. TEMPERA:**

Their time is being frozen and the time they earn will be recognized and it is purely on a prospective basis that the time they earn will be payable at a one•for•four rate. And I will say, without trying to complicate this any more than it already is and I apologize for that, from 1989, January 1st, 1989 to 2001, there was no payout of sick time. All accruals that were earned from January 1, 1989 until Resolution 655 of 2001 had a zero payout of sick time. So as of 2001, that resolution said and recognized that and said we're going to change that and we're going to change it to a one•for•two rate. Really, what this resolution is doing is recognizing that you have different tiers in the resolutions and ••

**LEG. NOWICK:**

All right, so I have sort of a trick question. How much are we going to save?

**MR. TEMPERA:**

I'll defer to the budget people.

**LEG. VILORIA • FISHER:**

Somewhere between 1.4 and 4.2.

**MR. ZWIRN:**

It's difficult to put an exact number on that because we're going forward.

**MR. TEMPERA:**

Over what period of time?

**MR. ZWIRN:**

It will be here from •• from the moment this is adopted going forward. And the purpose of this bill is not to punish anybody but it's to recognize that sick time should be used for sick time and not as a bonus at the end of somebody's career. There's a •• I guess an arbitrator's award just came down with the Sheriff's Deputies where they have unlimited sick time now if a Deputy, a Sheriff's Deputy is sick, but they can't accrue those days down the road. And you know, I think that makes a lot of sense because that way you don't •• you don't save them up and get a bonus at the end or use them during your career when you're not sick. They're there for people who are ill and need them and I think this was a way •• I mean, the Legislature has been very generous in the •• the last Legislature to the exempt employees and, you know, speaking on behalf of people on my staff, they're appreciative of the efforts of the Legislature on our behalf. But we also recognize that we are exempt employees, we're different than the Civil Service employees that come in that have the union contracts and I think the County Executive is just trying to recognize the difference and recognize that sick days should be used for sick days and not for a golden parachute or to be accumulated and there's a payout at the end of somebody's public service career.

**LEG. NOWICK:**

Okay. I'm going to make a motion to table because I ••

**CHAIRPERSON BROWNING:**

Okay, Counsel has a question.

**LEG. NOWICK:**

Sure.

**MR. NOLAN:**

Jeff, just recently the Legislature passed a new Salary Management Plan which states in there that the exempts get paid on their accruals for two•to•one.

**MR. TEMPERA:**

I'd want to go back and look at the resolution.

**MR. NOLAN:**

Yeah, it does. But my point is this resolution I think should be amended, instead of referencing the ••

**MR. TEMPERA:**

By the way, I think you mean one•for•two?

**MR. NOLAN:**

One•for•two.

**MR. TEMPERA:**

Okay.

**MR. NOLAN:**

The resolution you have here which references the 2001 resolution should really reference the more recent Salary Management Plan resolution. It should be amended to do that to make clear that if this passes, this supersedes that resolution and not the old 2001 resolution

**MR. TEMPERA:**

And again, I think what was done in the salary resolution, and that was a salary resolution, was referencing 655 of 2001. And it also referenced 659 of 1988. And the one•for•two reference is addressed in here by addressing Resolution 655 of 2001.

**MR. NOLAN:**

But there's a more recent resolution ••

**MR. TEMPERA:**

That only restated six •• and in the resolution ••

**MR. NOLAN:**

I don't think it references the old resolution; so I think you have to make that amendment to make clear that this resolution is going to supersede the more recent salary plan resolution.

**MR. TEMPERA:**

I think if you pull the salary resolution you'll find a reference in there to 655 of 2001, as you'll find a reference in there to 659 of 1988. But again, if you like, I've put on the record several times, I can demonstrate it by walking you through the resolution, that this is prospective in terms of the effect on sick time.

And Legislator Lindsay, Presiding Officer Lindsay, you were absolutely correct. We have spelled it out in detail and we did reference the old resolutions. Maybe that shouldn't have been done, but it was done to try and make sure that the resolution was as clear as possible •• you're smiling •• but it was done to try and make this as clear as possible that items that have been accrued to employees that are there aren't changing. And I apologize for that one WHEREAS clause.

**MR. ZWIRN:**

And the difference in the money, and I'm going to try and get the period of time that it covers, but that ••

**MS. ORTIZ:**

Just so you know, the version that they had with the change, it was only for the additional sponsor. If there's a change in the dollar amount, that was some confusion on your end.

**MR. ZWIRN:**

Okay. The difference in the dollar amount included the Police Department and that's why the numbers were bigger; one was without the Police Department, one was in it. But again, in one sense it's •• you know, we could have put it somewhere else, we could have made the statement here instead of putting it in the resolution, I think that we were just trying to show the dramatic savings that could be realized if this were adopted.

**CHAIRPERSON BROWNING:**

Okay. Budget Review, did you want to say something?

**MR. REINHEIMER:**

Being that there's some question as to what this can save. The Budget Review had started to look at this and we really wanted to wait until we talked to Jeff to make sure that we interpreted that this is going forward.

Exempt employees earn ten days, ten sick days per year. So going forward, assuming that the people that we identified back in December are here for the remainder of the year, they'll receive ten days. There's 545 exempt employees that this would impact. Out of those employees, there's 96 that would have ten years of service and reach the age of 55 or older by the end of 2006. The difference if those people retired at the end of 2006, under the current system as opposed to the new system, is a difference of two•and•a•half days. The current policy is one day for every two sick days, so they would receive five •• payment of five sick days. The new policy would be two•and•a•half sick days. We identified 96 ••

**MR. TEMPERA:**

That's if they were at the cap of 90 to 180, they have to have 180 days to get the ••

**MR. REINHEIMER:**

No, what I'm saying if this is going forward, and individual today would



receive ten sick days during 2006. If they retired, this would impact those days going forward, under the new policy they would get paid for two and a half sick days if they retired.

**MR. TEMPERA:**

If they maxed out. I'm sorry, the 90 for 180.

**LEG. VILORIA•FISHER:**

Can you speak into the •• Jeff?

**MR. TEMPERA:**

I'm sorry.

**MR. REINHEIMER:**

Yeah, provided they don't max out.

**MR. TEMPERA:**

Yeah, and that's what makes it so difficult; and again, we're getting into great detail here. It makes it so difficult to price this out because you're talking about individuals who have varied sick time. It sets an amount that you can be paid. Under the old resolution it was 90 for 180. This resolution is 90 days to be paid for 360 days on the books. And that's pulled right out of the fourth RESOLVED clause. And again, you're looking at it as a •• on a purely prospective basis and you have varied amount of time that people can earn. It is on retirement and death that someone is going to be paid for this time to the caps, their future time one•for•four.

**CHAIRPERSON BROWNING:**

Okay, Legislator Vilorina•Fisher.

**LEG. VILORIA•FISHER:**

Well, clearly it's hard to compute because there are so many variables.

**MR. REINHEIMER:**

Right.

**LEG. VILORIA • FISHER:**

You don't know what kind of sick days people will accrue, you don't know how many people are going to retire in a given year. But I'm going to second the motion to table. I'm very much in support of this resolution. I'm not in support of the language in the resolution. There are problems with different versions of the resolutions and which •• you know, there are technical problems. I'd like to see it cleaned up. I'd like to see the word retroactively removed from the resolution because I think it's •• you know, one can say given past data we could extrapolate a savings of approximately X number of dollars. And I think including the police is a little disingenuous because they're not •• they wouldn't fit into this group, would they? Would there be that many ••

**MR. TEMPERA:**

The exempt employees within the Police Department would be covered.

**LEG. VILORIA • FISHER:**

Like the Commissioner?

**MR. TEMPERA:**

The Commissioner, the Deputy Commissioner.

**LEG. VILORIA • FISHER:**

Okay. So, you know •• but I think that we just have to do some word smithing here so that we're not using a word that's as much a red herring as retroactively here which muddies the water. But I do support the tabling motion at this point in time.

**CHAIRPERSON BROWNING:**

Presiding Officer Lindsay would like to say something.

**P.O. LINDSAY:**

Just a suggestion, guys. I know in the effort to put everything in this bill and make it clear, it seems that there's more confusion that's been created. If I understand, you're right, the intent of the bill is that anyone that accrues sick leave or sick time that's not used that separates from the County either

by retirement or death would receive this payout. And whatever they've accrued through the various formulas over the years will be frozen at that level. Nobody is taking it away from them. And moving forward, the intent is to change it from one day's pay for every two days accrued with the cap, the maximum cap to one•in•four, again, with the maximum cap.

**MR. TEMPERA:**

That is correct.

**P.O. LINDSAY:**

If somebody could put that in plain language, I think you would do a great service. And I appreciate you trying to reference the other laws, the other laws that were passed. It's confusing because the policy has changed over the years and if it could just be made clear that everybody that's in the system is protecting what they have now.

**CHAIRPERSON BROWNING:**

Legislator Nowick.

**LEG. NOWICK:**

I just wanted to say that it sounds like we're going to be tabling this, but maybe next time we meet in committee we could get a little bit clearer idea of what this might save the County. And I know it's a little bit hard to have all the figures, but I do get concerned when it comes to taking away benefits that have been in place. And I am concerned for people that have worked hard for the County. So if you could give us some clear background, fiscal impact, how it helps the County, over what period of time, just something that I can understand a little bit better.

**MR. TEMPERA:**

I understand.

**LEG. NOWICK:**

Thank you.

**CHAIRPERSON BROWNING:**

Okay. So I'm getting a motion to table?

**LEG. NOWICK:**

Motion to table.

**CHAIRPERSON BROWNING:**

Motion to table from Legislator Nowick. Second? Legislator Viloría•Fisher. Everyone in favor? Opposed? Abstention?

***1057 is tabled 4•0•0•2 Not Present: Legislators Eddington & Barraga)***

**MR. ZWIRN:**

Thank you.

**MR. TEMPERA:**

Thanks.

**CHAIRPERSON BROWNING:**

Is there any other business before this committee? If not, motion to adjourn.

**LEG. NOWICK:**

Motion to adjourn.

**LEG. VILORIA•FISHER:**

Second.

**CHAIRPERSON BROWNING:**

Legislator Nowick and second by Legislator Vivian Viloría•Fisher.

The meeting was adjourned legislator Nowick and second by Legislator Viloría•Fisher. The meeting was adjourned at 3:31 PM the vote is four two not present Tom Barraga Jack Eddington were not present.

***(THE MEETING CONDLUED AT 3:32 PM)***

***\\_Denotes spelled phonetically\\_***